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10/788,516	02/27/2004	Fenghua Zhou		6897
23373	7590	12/12/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			WONG, ERIC TAK WAI	
		ART UNIT	PAPER NUMBER	
		4172		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/788,516	ZHOU, FENGHUA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Wong	4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 February 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>2/27/2004, 9/28/2007</u> .	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. Claims 1-16 are pending. The following is a non-final first Office action on the merits of claims 1-16.

### *Claim Objections*

2. Claims 4 and 9 objected to because of the following informalities: "Excel" is a trademark and should be capitalized. Appropriate correction is required.

3. Claims 8 and 16 objected to because of the following informalities: "does not matches" should be "does not match". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1, 3, 5-8, 10-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt et al. (US Pat No. 5,315,505) in view of Applicant admission of prior art, further in view of Polk (US Pat No. 7,072,909).

### **Regarding claim 1:**

Pratt et al. teaches:

- an auditing periods definition module for defining auditing periods, and for creating, updating, inquiring of and deleting the auditing periods, (see column 7 lines 12-33);

- a data collection module for collecting demanded data on auditing, wherein the demanded data on auditing includes information on physical inventory, information on book inventory, information on quantities of in-process materials and information on units of in-process materials, the information on units of in-process materials being accounting units of in-process materials, (see column 7 lines 12-33);
- determining whether information on book inventory matches information on physical inventory, (see column 7 lines 12-33),
- a data carrying module for updating book inventory, and for carrying forward the updated book inventory to a next auditing period, (see column 7 lines 12-33);
- a data inquiry module for inquiring of data on auditing, the data on auditing including declarations, electronic account books, return receipts and information on a customs bulletin board, (see column 7 lines 12-33).
- providing an explanation report on balancing of book inventory and physical inventory (see column 6 lines 2-12)

Examiner notes the type of information collected and inquired constitutes nonfunctional descriptive material. Therefore, the limitations of [information on physical inventory, information on book inventory, information on quantities of in-process materials, information on units of in-process materials] and [declarations, electronic account books, return receipts and information on a customs bulletin board] are given no patentable weight.

Applicant admission of prior art, not Pratt et al., teaches determining whether a declaration is acceptable, (see paragraph 0004). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Pratt et al. with the above features. One of ordinary skill in the art would have known it to have been useful to use an automated system to verify whether a declaration is acceptable. This is evidenced by the teaching of Gooley in “Logistics Management and Distribution Report” that automating repetitive tasks such as data entry and document creation can greatly reduce the incidence of errors to make audits easier (see page 3 point number 9). One would have been motivated to make the modification to increase efficiency and reduce costs.

The above references do not teach:

- a data transmission module for converting the demanded data on auditing into an electronic auditing file according to a format of EDI reporting required by a relevant customs authority, and for transmitting the electronic auditing file to the customs system;
- a return receipt identification module for downloading a return receipt from the customs system

Polk teaches using EDI for accumulation processing, transmittal, and receipt of business-related information that was once dependent on paper transactions. Polk further teaches the use of EDI for customs (see column 1 lines 42-62). Therefore, it would have been obvious to one of ordinary skill in the art to modify Pratt et al. with Polk to include a data transmission module for converting the demanded data on auditing

into an electronic auditing file according to a format of EDI reporting required by a relevant customs authority, and for transmitting the electronic auditing file to the customs system. One skilled in the art would have been motivated to make the modification in order to obtain a more cost effective means of communicating business transaction information than paper transactions.

**Regarding claim 3:**

Pratt et al. teaches wherein the electronic auditing file includes an electronic account book, data on auditing, the declaration and the return receipt, (see column 7 lines 12-33).

**Regarding claim 5:**

Pratt et al. teaches wherein the data collection module comprises an in-process materials maintenance sub-module for transmitting the information on quantities of in-process materials and information on units of in-process materials (see column 7 lines 12-33). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of claim 1 above further with Pratt et al. to include this feature. One skilled in the art would have been motivated to make the modification for increased record-keeping accuracy.

**Regarding claim 6:**

Pratt et al. teaches wherein the data collection module comprises an inventory statistics sub-module for counting the quantity of the book inventory and physical inventory (see column 7 lines 12-33).

**Regarding claim 7:**

Pratt et al. teaches wherein the data collection module comprises an operation adjustment sub-module for recording information on inventory change based on balancing of the book inventory and physical inventory (see column 7 lines 12-33).

**Regarding claim 8:**

Pratt et al teaches

- defining auditing periods (see column 7 lines 12-33);
- collecting demanded data on auditing, the demanded data on auditing including information on book inventory, information on physical inventory, information on quantities of in-process materials, and information on units of in-process materials, the information on units of in-process materials being accounting units of in-process materials (see column 7 lines 12-33);
- determining whether the information on book inventory matches the information on physical inventory (see column 7 lines 12-33);
- carrying forward book inventory to a next auditing period (see column 7 lines 12-33);
- providing an explanation report on balancing of physical inventory and book inventory if the information on book inventory does not matches the information on physical inventory (see column 6 lines 2-12);

Applicant admission of prior art, not Pratt et al., teaches determining whether a declaration is acceptable, (see paragraph 0004). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Pratt et al. with the above features. One of ordinary skill in the art would have known it to have been useful to use

an automated system to verify whether a declaration is acceptable. This is evidenced by the teaching of Gooley in "Logistics Management and Distribution Report" that automating repetitive tasks such as data entry and document creation can greatly reduce the incidence of errors to make audits easier (see page 3 point number 9). One would have been motivated to make the modification to increase efficiency and reduce costs.

The above references do not teach:

- converting the demanded data on auditing into an electronic auditing file according to a format of EDI reporting required by a relevant customs authority and transmitting the electronic auditing file;
- downloading a return receipt;

Polk teaches using EDI for accumulation processing, transmittal, and receipt of business-related information that was once dependent on paper transactions. Polk further teaches the use of EDI for customs (see column 1 lines 42-62). Therefore, it would have been obvious to one of ordinary skill in the art to modify Pratt et al. with Polk by converting the demanded data on auditing into an electronic auditing file according to a format of EDI reporting required by a relevant customs authority and transmitting the electronic auditing file and downloading a return receipt. One skilled in the art would have been motivated to make the modification in order to obtain a more cost effective means of communicating business transaction information than paper transactions.

**Regarding claim 10:**

Pratt et al., not Applicant admission of prior art, teaches wherein the step of collecting the demanded data on auditing comprises the step of collecting the information on quantities of in-process materials and information on units of in-process materials as at a cut-off time, and transmitting the collected information (see column 7 lines 12-33).

**Regarding claim 11:**

Pratt et al. teaches wherein the step of collecting the demanded data on auditing comprises the step of recording information on inventory change based on balancing of book inventory and physical inventory as at a cut-off time at the end of each auditing period (see column 7 lines 12-33). Examiner notes that in the reference the cut-off time at the end of an auditing period is the time in which the inquiry is made.

**Regarding claim 12:**

Pratt et al. teaches wherein the step of collecting the demanded data on auditing comprises the step of counting a quantity of book inventory and physical inventory as at a cut-off time at the end of each auditing period, (see column 7 lines 12-33). Examiner notes that in the reference the cut-off time at the end of an auditing period is the time in which the inquiry is made.

**Regarding claim 14:**

Pratt et al. teaches carrying forward the book inventory comprises the step of counting a quantity of the book inventory and updating the book inventory (see column 7 lines 12-33).

**Regarding claim 15:**

Pratt et al. teaches inquiring of information on any or more of declarations, electronic account books, return receipts and information on a customs bulletin board. Examiner notes the type of information inquired constitutes nonfunctional descriptive material. Therefore, the limitations of [declarations, electronic account books, return receipts and information on a customs bulletin board] are given no patentable weight.

**Regarding claim 16:**

Each limitation of claim 16 is in claim 8. Therefore, the claim is rejected upon similar grounds as per the rejection of claim 8 (see rejection of claim 8 above).

6. Claim 1, 3, 5-8, 10-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt et al. (US Pat No. 5,315,505) in view of Applicant admission of prior art, further in view of Polk (US Pat No. 7,072,909), further in view of Official Notice.

**Regarding claim 2:**

Pratt et al. teaches wherein the auditing periods definition module sets cut-off times, starting times, names, and states of the auditing periods, (see column 7 lines 12-33). Pratt et al. does not teach setting serial numbers of electronic account books. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of claim 1 above to include settings serial numbers of electronic account books. One skilled in the art would have been motivated to make the modification because it is useful to identify which account to audit if there are multiple accounts.

Pratt et al. teaches setting account days (see column 7 lines 12-33). Pratt et al. does not, however, explicitly teach setting account years. Official Notice is taken that it would

have been obvious to one of ordinary skill in the art at the time of invention to modify the invention above to include setting account years. One skilled in the art at the time of invention would have been motivated to make the modification because it was in the realm of knowledge of one of ordinary skill in the art that it is useful to audit periods longer than one day.

**Regarding claim 4:**

Official Notice is taken that it would have been obvious to one of ordinary skill in the art to modify the invention of claim 1 above to include wherein the data collection module comprises an inventory transmission sub-module for converting the information on book inventory and information on physical inventory into an Excel compatible file, and for transmitting the Excel compatible file at the end of each auditing period. At the time of invention, it was old and well-known in the art to convert information into an Excel compatible file in order to transmit the file. One skilled in the art would have been motivated to make the modification in order to increase the portability of the information.

**Regarding claim 9:**

Official Notice is taken that it would have been obvious to one of ordinary skill in the art to modify the invention of claim 8 above to include the step of collecting the demanded data on auditing comprises the step of converting the information on book inventory and information on physical inventory into an Excel compatible file, and transmitting the Excel compatible file at the end of each auditing period. At the time of invention, it was old and well-known in the art to convert information into an Excel compatible file as a

standard format. One skilled in the art would have been motivated to make the modification in order to increase the portability of the information.

**Regarding claim 13:**

Applicant admission of prior art does not expressly teach wherein the step of determining whether the declaration is acceptable comprises the step of collecting the demanded data on auditing again if the declaration is unacceptable. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention with collecting the demanded data on auditing again if the declaration is unacceptable. One of ordinary skill in the art would have been motivated to make the modification in order to correct any errors which may have occurred.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is (571)270-3405. The examiner can normally be reached on Monday-Friday 7:30AM-5:00PM, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/  
Supervisory Patent Examiner, Art Unit 4172

Eric Wong  
Examiner  
Art Unit 4172

Dec 07